

REMARKS

The Examiner has required restriction between:

I: Figure 4, drawn to an LCD and fingerprint capture panel wherein a TFT panel (121) region includes both an LCD unit and a fingerprint capture unit, a color filter (125) region is formed only in the LCD unit, and a transparent protective layer (128) is formed only over the fingerprint capture unit.

Claims 5-9 are believed to primarily correspond with Species I, while claims 1-4 are believed to be related to Species I and to be considered generic to Species I and a number of other species not specifically claimed.

II: Figure 5, drawn to an LCD and fingerprint capture panel wherein a TFT panel (121) region only includes an LCD unit, a color filter (125) region is formed on both the LCD unit and fingerprint capture unit, and a transparent protective layer (128') is formed in a region of the LCD unit and may be formed in a region not affecting both the fingerprint capture part and the LCD part (said region identified in the Figure as region 130).

Claims 10-14 are believed to primarily correspond with Species II.

Applicants respectively traverse the requirement to elect between species of I and II above. Applicants submit that the search and examination of species II with species I does not raise serious additional burden on the Examiner. In fact, the Office has already examined the entirety of the claims and found them allowable prior to the RCE filing. More particularly, the Examiner has not demonstrated that the search and examination of the structures of species II simultaneously with species I has now become a serious burden. Therefore, the species election should be withdrawn. *See MPEP § 803, second full paragraph: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."*

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 40430200800. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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